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| 09/750,027 | 12/29/2000 | Vinh Tran | 06975-079001 / Network 03 | 6434 |
| 26171 | 7590 | 06/17/2004 | EXAMINER PHAN, TAM T | |
| FISH & RICHARDSON P.C. 1425 K STREET, N.W. 11TH FLOOR WASHINGTON, DC 20005-3500 | | | ART UNIT 2144 | PAPER NUMBER 11 |

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,027

Applicant(s)

TRAN ET AL.

Examiner

Tam (Jenny) Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.10.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This application has been examined. Pre-amendment A received on 12/11/2002 (Paper #7) has been entered. Claims 1-61 are presented for examination.

Priority

2. This application claims benefit of the provisional application 60/234,996 (09/25/2000).
3. The effective filing date for the subject matter defined in the pending claims, which has support in Provisional Application 60/234,996 in this application, is 05/25/2000. Any new subject matter defined in the claims not previously disclosed in Application 60/234,996, is entitled to the effective filing date of 12/29/2000.

Information Disclosure Statement

4. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 5 and 10, is attached to the instant Office action.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Pirolli et al. (U.S. Patent Number 6,098,064), hereinafter referred to as Pirolli.
7. Regarding claim 1, Pirolli disclosed a method for making electronic information more readily available to one or more first access requestors based on an anticipated demand for the electronic information, the method comprising: anticipating a future request by at least one of

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the first access requestors for access to selected electronic information that is stored on a first storage medium, the future request being anticipated based at least on information that is not particular to any single first access requestor; accessing the selected electronic information stored on the first storage medium; duplicating the selected electronic information on a second storage medium that is more accessible to the first access requestors than the first storage medium; and providing the first access requestors with access to the selected electronic information from the second storage medium (Abstract, Figures 1-4, 6, column 1 lines 41-56, column 6 lines 33-44, column 11 lines 37-51).

8. Regarding claim 2, Pirolli disclosed a method further comprising: determining whether the selected electronic information is accessible to the one or more first access requestors from the second storage medium, wherein the first access requestors are provided with access to the selected electronic information from the first storage medium only if the selected electronic information is not accessible to the first access requestors from the second storage medium (column 1 lines 41-56, column 5 lines 52-61, column 6 lines 45-61, column 11 lines 52-67).

9. Regarding claim 3, Pirolli disclosed a method wherein the second storage medium is more geographically proximate to the one or more first access requestors than the first storage medium such that the duplicating includes duplicating the selected electronic information on a medium that is more geographically proximate to the first access requestors than the first storage medium (column 1 lines 41-56, column 5 lines 52-61, column 6 lines 45-61, column 11 lines 52-67).

10. Regarding claim 4, Pirolli disclosed a method wherein the second storage medium is more electronically proximate to the one or more first access requestors than the first storage

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medium such that the duplicating includes duplicating the selected electronic information on a medium that is more electronically proximate to the first access requestors than the first storage medium (column 1 lines 41-56, column 5 lines 52-61, column 6 lines 45-61, column 11 lines 52-67).

11. Regarding claim 5, Pirolli disclosed a method wherein the second storage medium provides faster completion of an access request than the first storage medium such that the providing includes providing faster access to the selected electronic information by the one or more first access requestors (column 5 lines 52-61, column 11 lines 37-51).

12. Regarding claim 6, Pirolli disclosed a method wherein the first storage medium resides on a central server and the second storage medium resides on a distributed server [proxy server] such that the duplicating includes duplicating the selected electronic information from the central server to the distributed server (Figures 1, 3, column 11 lines 19-51).

13. Regarding claim 7, Pirolli disclosed a method wherein the anticipating includes anticipating the future request for access to the selected electronic information based on past requests for access to the same or related electronic information by more than one second access requestor who may or may not be different than the one or more first access requestors (column 5 lines 3-14, lines 26-38, column 11 lines 37-51)

14. Regarding claim 8, Pirolli disclosed a method wherein the anticipating includes anticipating the future request for access to the selected electronic information based on past requests for access to non-related electronic information by more than one second access requestor, who may or may not be different than the one or more first access requestors (column 5 lines 3-14, lines 26-38, column 11 lines 37-51).

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15. Regarding claim 9, Pirolli disclosed a method wherein the anticipating includes anticipating the future request for access to the selected electronic information based on past requests for access to related non-electronic information by more than one second access requestor, who may or may not be different than the one or more first access requestors (column 5 lines 3-14, lines 26-38, column 11 lines 37-51).

16. Regarding claim 10, Pirolli disclosed a method wherein the anticipating includes anticipating the future request for access to the selected electronic information based on past requests for access to non-related non-electronic information by more than one second access requester, who may or may not be different than the one or more first access requestors (column 5 lines 3-14, lines 26-38, column 11 lines 37-51).

17. Regarding claim 11, Pirolli disclosed a method wherein anticipating the future request for access to the selected electronic information includes measuring a number of requests for the selected electronic information for which access is requested, and comparing the number of requests to a threshold (column 7 lines 50-59, column 8 lines 50-62).

18. Regarding claim 12, Pirolli disclosed a method wherein anticipating the future request for access to electronic information includes measuring a frequency of requests for access to the selected electronic information (column 5 lines 3-14, lines 26-38, column 11 lines 37-51).

19. Regarding claim 13, Pirolli disclosed a method wherein anticipating the future request for access to the selected electronic information further comprises: determining a file size of the selected electronic information; assigning a cache value to the selected electronic information based on the file size and the frequency of requests for the selected electronic information; and anticipating future requests for access to the selected electronic information based on the cache

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value of the selected electronic information (column 1 lines 46-56, column 2 line 62-column 3 line 5, column 6 lines 32-44, column 7 lines 20-29, column 11 lines 52-67).

20. Regarding claim 14, Pirolli disclosed a method wherein the future request for the selected electronic information is anticipated based on criteria unrelated to past access requests (column 5 lines 3-14, lines 26-38, lines 47-51, column 11 lines 37-51).

21. Regarding claim 15, Pirolli disclosed a method wherein anticipating the future request for access to the selected electronic information is performed before an access request is made by the one or more first access requestors (column 2 lines 8-17, column 5 lines 52-61, column 11 lines 36-51).

22. Regarding claims 16-29, the system corresponds directly to the method of claims 1-15, and thus these claims are rejected using the same rationale.

23. Regarding claims 30-44, the computer readable medium corresponds directly to the method of claims 1-15 and the system of claims 16-29, and thus these claims are rejected using the same rationale.

24. Regarding claim 45, Pirolli disclosed a method for making electronic information more readily available to one or more first access requestors based on an anticipated demand for the electronic information, the method comprising: anticipating a future request by at least one of the first access requestors for access to selected electronic information that is stored on a first storage medium, the future request being anticipated based at least on information related to more than one first access requestor; accessing the selected electronic information stored on the first storage medium; duplicating the selected electronic information on a second storage medium that is more accessible to the first access requestors than the first storage medium; and providing the

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first access requestors with access to the selected electronic information from the second storage medium (Abstract, Figures 1-4, 6, column 1 lines 41-56, column 5 lines 3-25, column 6 lines 33-44, column 11 lines 37-51).

25. Regarding claim 46, Pirolli disclosed a method further comprising: determining whether the selected electronic information is accessible to the one or more first access requestors from the second storage medium, wherein the first access requestors are provided with access to the selected electronic information from the first storage medium only if the selected electronic information is not accessible to the first access requestors from the second storage medium (column 1 lines 41-56, column 5 lines 52-61, column 6 lines 45-61, column 11 lines 52-67).

26. Regarding claim 47, Pirolli disclosed a method wherein the second storage medium is more geographically proximate to the one or more first access requestors than the first storage medium such that the duplicating includes duplicating the selected electronic information on a medium that is more geographically proximate to the first access requestors than the first storage medium (column 1 lines 41-56, column 5 lines 52-61, column 6 lines 45-61, column 11 lines 52-67).

27. Regarding claim 48, Pirolli disclosed a method wherein the second storage medium is more electronically proximate to the one or more first access requestors than the first storage medium such that the duplicating includes duplicating the selected electronic information on a medium that is more electronically proximate to the first access requestors than the first storage medium (column 1 lines 41-56, column 5 lines 52-61, column 6 lines 45-61, column 11 lines 52-67).

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28. Regarding claim 49, Pirolli disclosed a method wherein the second storage medium provides faster completion of an access request than the first storage medium such that the providing includes providing faster access to the selected electronic information by the one or more first access requestors (column 5 lines 52-61, column 11 lines 37-51).

29. Regarding claim 50, Pirolli disclosed a method wherein anticipating the future request for access to the selected electronic information includes measuring a number of requests for the selected electronic information for which access is requested, and comparing the number of requests to a threshold (column 7 lines 50-59, column 8 lines 50-62).

30. Regarding claim 51, Pirolli disclosed a method wherein anticipating the future request for access to the selected electronic information is performed before an access request is made by the one or more first access requestors (column 2 lines 8-17, column 5 lines 52-61, column 11 lines 36-51).

31. Regarding claim 52, Pirolli disclosed a method for making electronic information more readily available to one or more first access requestors based on an anticipated demand for the electronic information, the method comprising: anticipating a future request by at least one of the first access requestors for access to selected electronic information that is stored on a first storage medium, the future request being anticipated based at least on information that is independent of access requests of the first access requestors; accessing the selected electronic information stored on the first storage medium; duplicating the selected electronic information on a second storage medium that is more accessible to the first access requestors than the first storage medium; and providing the first access requestors with access to the selected electronic

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information from the second storage medium (Abstract, Figures 1-4, 6, column 1 lines 41-56, column 6 lines 33-44, column 9 lines 16-46, column 11 lines 37-51).

32. Regarding claims 53-58, the limitations in these claims are similar to the limitations of claims 46-51, thus these claims are rejected using the same rationale.

33. Regarding claim 59, Pirolli disclosed a method wherein the anticipating includes anticipating the future request for access to the selected electronic information based on past requests for access to related non-electronic information by a plurality of second access requesters, who are different than the one or more first access requestors (column 5 lines 3-14, lines 26-38, column 11 lines 37-51).

34. Regarding claim 60, Pirolli disclosed a method wherein the anticipating includes anticipating the future request for access to the selected electronic information based on past requests for access to non-related non-electronic information by a plurality of second access requestors, who are different than the one or more first access requestors (column 5 lines 3-14, lines 26-38, column 11 lines 37-51).

35. Regarding claim 61, Pirolli disclosed a method wherein the future request for the selected electronic information is anticipated based on criteria unrelated to past access requests (column 5 lines 3-14, lines 26-38, lines 47-51, column 11 lines 37-51).

36. Since all the limitations of the claimed invention were disclosed by Pirolli, claims 1-61 are rejected.

37. Claims 1-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Burns et al. (U.S. Patent Number 6,324,182), hereinafter referred to as Burns.

38. Regarding claim 1, Burns disclosed a method for making electronic information more readily available to one or more first access requestors based on an anticipated demand for the electronic information, the method comprising: anticipating a future request by at least one of the first access requestors for access to selected electronic information that is stored on a first storage medium, the future request being anticipated based at least on information that is not particular to any single first access requestor; accessing the selected electronic information stored on the first storage medium; duplicating the selected electronic information on a second storage medium that is more accessible to the first access requestors than the first storage medium; and providing the first access requestors with access to the selected electronic information from the second storage medium (Figures 2-3, 6, column 4 lines 31-47, lines 50-58, column 8 lines 23-40, column 9 lines 1-10).

39. Regarding claim 2, Burns disclosed a method further comprising: determining whether the selected electronic information is accessible to the one or more first access requestors from the second storage medium, wherein the first access requestors are provided with access to the selected electronic information from the first storage medium only if the selected electronic information is not accessible to the first access requestors from the second storage medium (column 8 lines 23-40).

40. Regarding claim 3, Burns disclosed a method wherein the second storage medium is more geographically proximate to the one or more first access requestors than the first storage medium such that the duplicating includes duplicating the selected electronic information on a medium that is more geographically proximate to the first access requestors than the first storage medium (column 4 lines 50-58, column 10 lines 23-36).

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41. Regarding claim 4, Burns disclosed a method wherein the second storage medium is more electronically proximate to the one or more first access requestors than the first storage medium such that the duplicating includes duplicating the selected electronic information on a medium that is more electronically proximate to the first access requestors than the first storage medium (column 4 lines 31-47, column 8 lines 23-40).

42. Regarding claim 5, Burns disclosed a method wherein the second storage medium provides faster completion of an access request than the first storage medium such that the providing includes providing faster access to the selected electronic information by the one or more first access requestors (column 7 lines 44-60, column 12 lines 14-23).

43. Regarding claim 6, Burns disclosed a method wherein the first storage medium resides on a central server and the second storage medium resides on a distributed server [cache server] such that the duplicating includes duplicating the selected electronic information from the central server to the distributed server (Figures 2-3, 6, column 7 lines 44-60, column 12 lines 14-24).

44. Regarding claim 7, Burns disclosed a method wherein the anticipating includes anticipating the future request for access to the selected electronic information based on past requests for access to the same or related electronic information by more than one second access requestor who may or may not be different than the one or more first access requestors (column 8 lines 41-61, column 9 lines 1-34).

45. Regarding claim 8, Burns disclosed a method wherein the anticipating includes anticipating the future request for access to the selected electronic information based on past requests for access to non-related electronic information by more than one second access

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requestor, who may or may not be different than the one or more first access requestors (column 8 lines 41-61, column 9 lines 1-34).

46. Regarding claim 9, Burns disclosed a method wherein the anticipating includes anticipating the future request for access to the selected electronic information based on past requests for access to related non-electronic information by more than one second access requestor, who may or may not be different than the one or more first access requestors (column 8 lines 41-61, column 9 lines 1-34).

47. Regarding claim 10, Burns disclosed a method wherein the anticipating includes anticipating the future request for access to the selected electronic information based on past requests for access to non-related non-electronic information by more than one second access requester, who may or may not be different than the one or more first access requestors (column 8 lines 41-61, column 9 lines 1-34).

48. Regarding claim 11, Burns disclosed a method wherein anticipating the future request for access to the selected electronic information includes measuring a number of requests for the selected electronic information for which access is requested, and comparing the number of requests to a threshold (column 8 lines 41-61, column 11 lines 1-14).

49. Regarding claim 12, Burns disclosed a method wherein anticipating the future request for access to electronic information includes measuring a frequency of requests for access to the selected electronic information (column 8 lines 41-67, column 9 lines 11-34).

50. Regarding claim 13, Burns disclosed a method wherein anticipating the future request for access to the selected electronic information further comprises: determining a file size of the selected electronic information; assigning a cache value to the selected electronic information

based on the file size and the frequency of requests for the selected electronic information; and anticipating future requests for access to the selected electronic information based on the cache value of the selected electronic information (column 9 lines 1-24, lines 56-65, column 10 lines 11-22, lines 37-58).

51. Regarding claim 14, Burns disclosed a method wherein the future request for the selected electronic information is anticipated based on criteria unrelated to past access requests (column 4 lines 31-47, column 7 lines 44-60).

52. Regarding claim 15, Burns disclosed a method wherein anticipating the future request for access to the selected electronic information is performed before an access request is made by the one or more first access requestors (column 4 lines 31-47, column 7 lines 44-60).

53. Regarding claims 16-29, the system corresponds directly to the method of claims 1-15, and thus these claims are rejected using the same rationale.

54. Regarding claims 30-44, the computer readable medium corresponds directly to the method of claims 1-15 and the system of claims 16-29, and thus these claims are rejected using the same rationale.

55. Regarding claim 45, Burns disclosed a method for making electronic information more readily available to one or more first access requestors based on an anticipated demand for the electronic information, the method comprising: anticipating a future request by at least one of the first access requestors for access to selected electronic information that is stored on a first storage medium, the future request being anticipated based at least on information related to more than one first access requestor; accessing the selected electronic information stored on the first storage medium; duplicating the selected electronic information on a second storage medium that is

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more accessible to the first access requestors than the first storage medium; and providing the first access requestors with access to the selected electronic information from the second storage medium (Figures 2-3, 6, column 4 lines 31-47, lines 50-58, column 8 lines 23-40, column 9 lines 1-10, column 11 lines 40-60).

56. Regarding claim 46, Burns disclosed a method further comprising: determining whether the selected electronic information is accessible to the one or more first access requestors from the second storage medium, wherein the first access requestors are provided with access to the selected electronic information from the first storage medium only if the selected electronic information is not accessible to the first access requestors from the second storage medium (column 8 lines 23-40).

57. Regarding claim 47, Burns disclosed a method wherein the second storage medium is more geographically proximate to the one or more first access requestors than the first storage medium such that the duplicating includes duplicating the selected electronic information on a medium that is more geographically proximate to the first access requestors than the first storage medium (column 4 lines 50-58, column 10 lines 23-36).

58. Regarding claim 48, Burns disclosed a method wherein the second storage medium is more electronically proximate to the one or more first access requestors than the first storage medium such that the duplicating includes duplicating the selected electronic information on a medium that is more electronically proximate to the first access requestors than the first storage medium (column 4 lines 31-47, column 8 lines 23-40).

59. Regarding claim 49, Burns disclosed a method wherein the second storage medium provides faster completion of an access request than the first storage medium such that the

providing includes providing faster access to the selected electronic information by the one or more first access requestors (column 7 lines 44-60, column 12 lines 14-23).

60. Regarding claim 50, Burns disclosed a method wherein anticipating the future request for access to the selected electronic information includes measuring a number of requests for the selected electronic information for which access is requested, and comparing the number of requests to a threshold (column 8 lines 41-61, column 11 lines 1-14).

61. Regarding claim 51, Burns disclosed a method wherein anticipating the future request for access to the selected electronic information is performed before an access request is made by the one or more first access requestors (column 4 lines 31-47, column 7 lines 44-60).

62. Regarding claim 52, Burns disclosed a method for making electronic information more readily available to one or more first access requestors based on an anticipated demand for the electronic information, the method comprising: anticipating a future request by at least one of the first access requestors for access to selected electronic information that is stored on a first storage medium, the future request being anticipated based at least on information that is independent of access requests of the first access requestors; accessing the selected electronic information stored on the first storage medium; duplicating the selected electronic information on a second storage medium that is more accessible to the first access requestors than the first storage medium; and providing the first access requestors with access to the selected electronic information from the second storage medium (Figures 2-3, 6, column 4 lines 31-47, lines 50-58, column 8 lines 23-40, column 9 lines 1-10, column 11 lines 40-60).

63. Regarding claims 53-58, the limitations in these claims are similar to the limitations of claims 46-51, thus these claims are rejected using the same rationale.

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64. Regarding claim 59, Burns disclosed a method wherein the anticipating includes anticipating the future request for access to the selected electronic information based on past requests for access to related non-electronic information by a plurality of second access requestors, who are different than the one or more first access requestors (column 8 lines 41-61, column 9 lines 1-34).

65. Regarding claim 60, Burns disclosed a method wherein the anticipating includes anticipating the future request for access to the selected electronic information based on past requests for access to non-related non-electronic information by a plurality of second access requestors, who are different than the one or more first access requestors (column 8 lines 41-61, column 9 lines 1-34).

66. Regarding claim 61, Burns disclosed a method wherein the future request for the selected electronic information is anticipated based on criteria unrelated to past access requests (column 4 lines 31-47, column 7 lines 44-60).

67. Since all the limitations of the claimed invention were disclosed by Burns, claims 1-61 are rejected.

Conclusion

68. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (703) 305-4665. The examiner can normally be reached on M-F 9:00-5:00.

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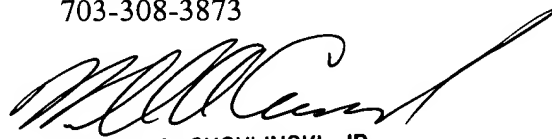
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tp
June 7, 2004

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